

COMMISSION CONFERENCE

MAY 1, 2001

Agenda Item

Page

I-A	Henry E. Kinney Tunnel Charrette – Streetscape Design Over the Tunnel on South Side of New River	1
I-B	Annexation Bill and Policy – Melrose Park and Riverland Annexation Areas	3
I-C	Letter to Senator Mandy Dawson – Concerns from Pastor Barbara Bosket	5
II-A	Event Road Closings – Las Olas Boulevard	7
II-B	Agenda for Joint Meeting with Broward County Board of County Commissioners	9
III-B	Advisory Board Vacancies: 1. Budget Advisory Board (Deferred) 2. Charter Revision Board 3. Community Appearance Board 4. Community Services Board (Deferred) 5. Education Advisory Board (Deferred) 6. Marine Advisory Board 7. Unsafe Structures & Housing Appeals Board (Deferred)	 9 9 9 9 9 9 9
IV	City Commission Reports: 1. Budget Advisory Board – Input on Budget 2. After-the-Fact Permits – Contractors 3. Independent Counsel for Board of Adjustment	 10 11 11
V	City Manager Reports: 1. Water Skiing 2. Budget Hearing Dates	 11 12

Present: Mayor Naugle
Commissioners Hutchinson, Katz, Moore and Smith (2:07)

Also Present: City Manager, City Attorney, City Clerk and Police Sergeant

**I-A – Henry E. Kinney Tunnel Charrette – Streetscape Design
Over the Tunnel on South Side of New River**

A discussion was scheduled on the proposed streetscape design for the area over the Henry E. Kinney Tunnel on the south side of the New River as developed at the Tunnel Charrette held on March 3, 2001. Mr. Greg Kisela, Assistant City Manager, introduced *Mr. Sam Poole*, of the Rio Vista Civic Association.

Mr. Poole pointed out that the subject site was directly across the River from the Stranahan House, and it was essentially an abandoned roadway that served mostly as a place where angry drivers turned around trying to find their way. He felt it was extremely ugly, and he had spoken with Mr. Rick Chesser, of the Florida Department of Transportation (FDOT). Mr. Chesser had indicated that the FDOT would be willing to lease the land to the City for \$1 a year as long as access was maintained to the tunnel building. In addition, it was necessary to ensure access to the parking lots serving a nearby condominium building and a nearby apartment building and to preserve on-street parking.

At 2:07 P.M., Commissioner Smith arrived at the meeting.

Mr. Poole explained that the Association had convened a Charrette to consider plans for the subject area. He described the process and displayed some of the earlier concepts that had been developed. Mr. Poole advised that the best ideas from the early concepts had been developed into a plan, which he displayed. He pointed out various features of the proposed plan, which maintained access to parking and the tunnel building and included a pavilion, landscaping, and some type of landmark art or water feature. Mr. Poole noted that the intent had been to provide enough space for U-turns and to accommodate emergency vehicles, and to provide an entry to the neighborhood. He felt this would provide a nice place for neighborhood activities and a good transition from Riverwalk on the south side.

Mr. Poole reported that this plan had been presented to various groups, including the Rio Vista Civic Association Board, the Downtown Development Authority (DDA), Riverwalk Fort Lauderdale, Inc., the Las Olas Association, the Stranahan House and, most recently, to the Parks, Recreation & Beaches Advisory Board. He advised that the reception had been very favorable and, in fact, did not recall any objections. Mr. Poole stated the primary question was how to pay for the project. His view was that once a plan had been developed that everyone supported, funding opportunities could be sought through area developers, grants, and other funding methods.

Mayor Naugle congratulated Mr. Poole on the process.

Mr. Ken Ortner, President of Riverwalk Fort Lauderdale, Inc., reported that Riverwalk totally supported this concept. Riverwalk wanted to see egress for service and emergency vehicles onto Riverwalk and was withholding its full endorsement until a more final plan had been developed to ensure it was in conformity with the Riverwalk Design Guidelines.

Commissioner Hutchinson wondered if there could be money available from the County as it related to the south side. Mr. Kisela stated that funds were being sought from the County for completion of Riverwalk on the south side. He was hopeful there would be \$2 million available from a Florida Inland Navigation District (FIND) grant, the DDA, the City, and the County. Mr. Kisela did not think it would take all of the money to complete the Riverwalk project and, if there were funds left over, staff could attempt to share those monies with this project.

Mr. Dick Ridorf, President of the Edgewater Condominium Association, supported this project, which would greatly benefit his building and the entire neighborhood. He noted that the building was quite old and would probably need total renovation, but he believed it would fit in well with this park. He also felt that open spaces would grow even more important as more and more development occurred in the area.

Commissioner Katz asked Mr. Poole if he had any idea how much the project would cost. Mr. Poole thought it would cost about \$1 million, but that was just a "guesstimate." Mayor Naugle wondered if it would be acceptable to plant Oak Trees over the tunnel in light of the root systems. Mr. Poole said he had spoken to Mr. Chesser about it, but he did not perceive problems in the area where those trees were proposed. He also added that there would be no problem providing access to emergency and service vehicles.

Commissioner Smith inquired about the need for lighting. Mr. Poole stated that there were lights in the area, although there had been discussion about swapping the industrial-type lighting that existed now with some more decorative type of lighting. Commissioner Smith noted that would increase the cost. He inquired about potential funding from the Parks Bond Issue interest. Mr. Kisela noted that there would be some additional monies in interest earnings, but there were also some additional needs that had to be addressed such as completion of Holiday and Carter Parks. He advised that staff could present a report.

Commissioner Smith inquired about the FIND grant that was being sought. Mr. Kisela advised that \$1 million was being sought, but it required a \$1 million match from the City and various partners for a \$2 million project. Commissioner Smith felt this proposal was very exciting, and he hoped staff could help break the project down into phases so it could be started. Mayor Naugle noted that there could also be additional funding sources such as a FIND grant for the waterfront portion in a future funding year.

Commissioner Hutchinson understood there were still trees to be planted in connection with that aspect of the Parks Bond. She wondered if some of those trees could be provided in this area. Mr. Phil Thornburg, Acting Director of Parks & Recreation, stated that there were some monies in the Bond, although that was slated for shade trees, and this plan called for Royal Palms. Commissioner Hutchinson suggested that the Urban Forester, Mr. Gene Dempsey, meet with Mr. Poole to see if there was some way to start some tree planting now. Mr. Thornburg was sure that could be arranged.

Commissioner Katz thought developers would contribute to a fund for the project as new projects were developed in the general vicinity. She pointed out those projects would benefit by this proposal. Mayor Naugle noted that there was a Parks Impact Fee based on the number of residential units. He desired a report about how much money had accumulated from some of the downtown projects. Mr. Kisela advised a report could be provided about how much money the new projects could generate.

Mayor Naugle thought some private entity would be interested in reestablishing a ferry that could carry passengers across the River to and from the Stranahan House on the evenings and weekends. Commissioner Moore liked this proposal, and he noted that a special assessment was also a potential funding source since there were so many areas that would derive benefit. Mayor Naugle thought there might also be some private contributions, and Commissioner Smith pointed out that there were also NCIP and BCIP funding programs available through the City along with sweat equity.

Action: Conceptually approved as discussed.

I-B – Annexation Bill and Policy – Melrose Park and Riverland Annexation Areas

A discussion was scheduled on the current annexation bill and related issues regarding the proposed Melrose Park and Riverland annexation areas. The City Manager noted that the latest information in this regard had been distributed to the Commission yesterday. Information received today seemed to confirm that its passage of either of these bills was not looking good this year.

Mr. Pete Witschen, Assistant City Manager, reported that 2 very productive meetings had been held with the County with respect to infrastructure items and framing an interlocal agreement. He stated that staff had indicated the City was seeking a position of revenue neutrality, and there were also challenges involving promises of infrastructure improvements by the County. Mr. Witschen viewed this as a work in progress, although he was not optimistic that either of the 2 local bills would survive this year.

Commissioner Katz said she had read something about payments from the City over a set number of years for infrastructure improvements. Mr. Witschen stated that the County's philosophy had been that until capital improvements were completely funded, the cities would pay some costs. He explained that the City of Pompano Beach was considering using 25% of the revenue stream from the Cresthaven area for its Capital Improvements Program. Mr. Witschen estimated the revenue stream from Melrose Park at \$803,000 per year, and the County had asked for City reimbursement over the first 3 years through some established formula. He had expressed concern that the figures were not strong enough in the short term, and the first 2 meetings with the County had been opportunities to frame the issues that were important to the City Commission. Those, however, had not yet been finalized, and he hoped to continue those discussions with an eye towards a bill next year.

Commissioner Katz hoped the City would not go into this with the idea of doing whatever the County wanted. She felt these improvements should have been provided by the County years ago. Mr. Witschen advised that staff had heard the Commission's position in this regard. Commissioner Smith had noticed a lot of roadwork being done in these areas last month. He asked if that was part of these infrastructure improvements. Mr. Witschen replied that it was one of the 3 phases of the infrastructure plan. It was his understanding that some \$12 million in improvements were proposed in Melrose Park.

Mayor Naugle thought the County should make a commitment to all cities that it would deliver areas with the infrastructure and with funding of any deficit for a period of 10 years or until the breakeven point was reached. Commissioner Smith wondered if a resolution should be adopted in this regard. Mayor Naugle thought this was an issue that should be brought to the League of Cities so that all of the cities could take the same position.

Commissioner Moore understood from Senator Dawson that there would be a vote during this session, and he had received a different signal indicating that Melrose Park would be annexed. She evidently still felt optimistic. However, if that did not occur, Senator Dawson was in agreement with the City's position that the annexation should be revenue neutral, and perhaps negotiations as to Riverland could involve a longer term so there should not be a negative impact. He hoped that was how staff was proceeding as to that particular negotiation and agreed a simultaneous negotiation was a good idea.

Commissioner Moore agreed taking this matter to the League of Cities was appropriate, although there were only a few cities currently negotiating annexations. Therefore, the League of Cities might want to try to stay out of it. Mayor Naugle thought it might be helpful to assemble the annexation cities. Commissioner Moore supported the idea and hoped that whatever the County proposed for Fort Lauderdale would also apply to the other cities involved. Mr. Witschen concurred. He wanted to continue dialogue in terms of Melrose Park and Riverland with County staff.

Commissioner Moore hoped no one would forget the issue of staffing during negotiations with the County. Mayor Naugle also desired the figures related to the core charges. Mr. Witschen stated that the CDBG numbers had to be factored in, but he expected the figures could be presented by the end of the week.

The City Manager hoped Commissioner Moore's conversation with Senator Dawson was more correct than the information he had received. However, the lobbyist had discussed the issue with the Delegation and did not believe the bills would be successful. He understood that there would be a larger issue next year involving the central area of Broward County in addition to these 2 areas. The City Manager pointed out that would be a large undertaking involving a different situation. Mayor Naugle felt the policy on the subsidy had to be in place by that time. The City Manager agreed and applauded the approach of developing a package no matter what municipality annexed what areas, and he expected that would be a point of contention.

Commissioner Moore noted that the areas remaining would have higher taxes to pay, and everyone would be doing everything possible to focus on past opportunities when it came to annexation. For that reason, the Commission might want to consider spending some more money for lobbying services next year at an upcoming Conference meeting.

Action: As discussed.

**I-C – Letter to Senator Mandy Dawson –
Concerns from Pastor Barbara Bosket**

A discussion was scheduled no correspondence to Senator Mandy Dawson regarding concerns expressed by Pastor Barbara Bosket, as requested by Mayor Naugle. He explained that he had placed this on the agenda because last year, he had investigated and learned that 150 items had not been followed up. His attention had been to use this particular item as an example.

Mayor Naugle said he had turned the letter in on February 9, 2001, and he had received a response back on February 27, 2001. He had requested a copy of the letter to Senator Dawson and found it had not been sent until February 27, 2001. Mayor Naugle asked the City Manager if he needed more assistance because some things were not being done in a timely manner. He felt that requests from the City Commissioners should be followed up within 10 days to 2 weeks, but it often took several months.

Commissioner Smith said he had asked staff to respond to citizens who had indicated problems within 24 hours by at least a phone call or e-mail message indicating that their problem had been registered and what it might take to provide an adequate response. He had been very happy with Ann Kelleher in this regard because she responded right away, although it might take some time to resolve certain issues.

Commissioner Katz advised that Ms. Kelleher provided her with a weekly status report on her requests so she could request additional follow-up as necessary. She thought Mayor Naugle probably received a lot more requests than the other Commissioners and suggested a different way or organizing things. Mayor Naugle understood the City Clerk could not always check on things because the City Manager's Office did not provide access to the computer system for follow-up. He understood there had been some unauthorized access problems in the past, but the firewall that had been installed between the City Clerk's Office and the City Manager's Office really seemed to be having a detrimental effect.

Commissioner Hutchinson said that when she had first started, she had met with everyone and understood that as long as she met with Ms. Kelleher or one of the Assistant City Managers, her requests would be addressed in a timely fashion. She had found the Assistant City Managers to be very responsive. Later, she had learned that was not the proper way to do things, but she usually received a better response if she copied one of the Assistant City Managers. Mayor Naugle said he sent everything to the City Manager.

Commissioner Smith asked Commissioner Hutchinson how she felt about Ms. Kelleher. Commissioner Hutchinson replied that she had not dealt with Ms. Kelleher for very long because she had been working through the Assistant City Managers. However, she copied Ms. Kelleher on most items, and she often asked if she could call people on her behalf. In any case, Commissioner Hutchinson had dealt for months with the Assistant City Managers and felt they were doing a great job.

Commissioner Smith said he was not always happy with how long it took to, for example, fill a pothole, but he was usually happy that citizens had been contacted quickly. Commissioner Hutchinson had no complaints.

Commissioner Moore did not feel this was the appropriate way to establish dialogue in this regard. He said that as he had reviewed the agenda package, he had thought the issue was addressing the particular issues raised by Pastor Bosket. Nothing in the back-up material had indicated that this would be a discussion about delays in the process of constituent services itself.

Commissioner Moore noted that Pastor Bosket was very involved with the community, and he had worked with her in the past. However, the area to which she referred in her correspondence had a number of different problems. He stated that there were Code violations, communications problems, a high volume of absentee landlords, drug problems, and it was located near the Homeless Assistance Center. In fact, he had gone out with the Northwest Raiders recently in the area addressed by this correspondence. Commissioner Moore did not want anyone to think that these issues were not being addressed by every aspect of City staff, and he was happy with the "blue notes" indicating how issues had been resolved because it allowed constituents to know they were not being ignored. He did, however, wish these things could be addressed more quickly.

Commissioner Smith thought it would be interesting to see a compilation of complaints, perhaps from a two-month period to determine the categories into which they fell, how they were handled, and how long the process took. Commissioner Moore believed that might also help pinpoint any departments that were unable to live up to certain standards given existing resources. Once the process had been examined, "bottlenecks" could be identified and addressed rather than just placing resources in the City Manager's Office.

Mayor Naugle noted that the City Clerk was in charge of the Commission's staff, so he delegated responsibility, and sometimes it appeared staff was not doing everything possible even though that was not always the case. Commissioner Smith felt the information should be accessible to the City Clerk.

The City Manager stated that this Commission was the most active he had seen in years, and it generated a number of inquiries and demands, so the volume of work was great. He advised that staff was trying to deal with all of these demands, and the reason he liked the items to pass through a central point was to have an active means of tracking and reporting on various issues. The City Manager said that staff would be able to show the Commission a compilation of the requests handled since the beginning of the year.

The City Manager noted that in the case of the example presented, staff had been in touch with Pastor Bosket the same day. Staff had subsequently received the inquiry from Senator Dawson's office, and the Police Department had provided an update on what had been done in response although there had been some delay in sending that letter out. The City Manager thought staff should be a much better job "closing the loop" to address Mayor Naugle's concerns.

At 3:00 P.M., Commissioner Moore left the meeting.

The City Manager said that he and the City Clerk were working toward a "seamless" operation in order to ensure what the Commission received was complete and accurate to the level possible. He said he would move forward with respect to the firewall so the City Clerk had the appropriate access and he requested 30 days to come up with a system that would track these issues and provide reports in a more timely fashion. Mayor Naugle understood something would be done by June 1, 2001.

Commissioner Smith hoped the Council of Neighborhoods would help Pastor Bosket address the area referred to in her letter. He stated that it was a difficult area that had only recently been organized.

Action: As discussed.

II-A - Event Road Closings – Las Olas Boulevard

A report was presented on the Las Olas Boulevard event road closings. The City Manager understood this report made Commissioner Hutchinson unhappy because the last sentence indicated that staff felt current procedures were working well and recommended no changes. He explained that this statement referred to a number of limited events and related to those issues that had been brought to staff's attention – traffic, promoters' responsibilities, and communications before and after an event. The City Manager advised that those were still very much works in progress by staff and neighborhood and merchants groups.

Commissioner Hutchinson wanted an opportunity to sit down with all the parties involved. She felt this report was premature. She wanted to meet with representatives of the Las Olas, Cooley Hammock, Beverly Heights, Las Olas Isles, and Victoria Park neighborhoods as well as from the Central Beach Alliance. Mayor Naugle thought the user organizations should be included as well.

Commissioner Hutchinson stated that there was a lot happening on Las Olas Boulevard, and area residents just wanted the road closures and traffic better addressed during events. She felt the City should prepare a plan, but the onus should be on the promoter in these cases to properly close roads and handle traffic. She believed area residents knew best where the "hot spots" were, and she pointed out that the County Garage was not used much on Saturdays and Sundays. Commissioner Hutchinson thought shuttles should be considered because the problem was traffic driving around and around looking for parking spaces to attend the events. She felt they should be shown where to park and catch a shuttle to the events. Commissioner Hutchinson believed the Water Taxi and the Trolley could be used to shuttle people after they had safely parked their cars.

Mayor Naugle thought one thing that would be a big help would be to get a low frequency radio station so people in the beach area and around Las Olas Boulevard could tune in to hear announcements about road and bridge closures. Commissioner Hutchinson agreed it would be helpful to let people know before they crossed the bridge that there was an event being held that involved street closures.

Commissioner Katz had received some good ideas from Mr. Buddy Lochrie that could be incorporated into some plan. Commissioner Hutchinson agreed she was aware of that correspondence, and she wanted an opportunity to meet with everyone before any decisions were made today as to a solution.

Commissioner Smith said that the people who lived in the Las Olas Isles had a very difficult time getting around during events. He hoped the work on 15th Avenue could be expedited to provide some relief and, if so, the area residents might be more charitable about road closures. However, right now, they were adamant that there be no more than 6 road closures per year. He agreed with Commissioner Hutchinson that there should be more study, but Isles residents were very frustrated. They had thought there were 20 closures last year. In fact, there had been only 9, but Commissioner Smith wanted no more than 6 unless some way could be found to provide access out of the Isles in some efficient manner. He believed double left-turn lanes on 15th Avenue would provide that relief. If that was going to take forever, however, Commissioner Smith thought the number of events should be restricted.

Commissioner Hutchinson pointed out that there were also other places within the City where certain walks, runs and other events could be staged. She thought it was necessary to get people to look "outside the box." Mayor Naugle noted that there had been a run on the south side of the River, and it had been a good event.

Mr. Greg Kisela, Assistant City Manager, stated that staff was trying to deal with parking and traffic to the best of their ability, and he agreed they should encourage the use of other locations whenever possible. Mayor Naugle asked if the Waverly Project was being assessed for the 15th Avenue project. Commissioner Smith thought they were ready to step up.

At 3:11 P.M., Commissioner Moore returned to the meeting.

Commissioner Katz thought the issue of the Waverly Project should wait until May 15, 2001. Commissioner Hutchinson agreed staff needed some time to come up with a projected cost.

Mr. Buddy Lochrie distributed some photographs taken during some road closures along with a copy of his letter. He agreed that completing work on 15th Avenue would be helpful, but he did not think that was the only answer. He advised that the situation was intolerable the way it was now, and he did not believe 15th Avenue could not be completed by the next season. Mr. Lochrie pointed out that the next road closure was scheduled for Labor Day, and he supported Commissioner Hutchinson's idea of bringing everyone to the table to discuss all the issues.

Commissioner Hutchinson noted that Mr. Lochrie had mentioned yesterday that there were police officers provided for road closures, but they often did not arrive until 5:00 P.M. while the roads were closed an hour earlier. Assistant Police Chief Pusins agreed that officers were not necessarily assigned right from the time a road was closed, and that was something to consider. He said he would be pleased to participate in any workshop meetings with the affected parties. Mayor Naugle thought a workshop meeting would be a good idea. Commissioner Hutchinson agreed she wanted staff to arrange it.

Ms. Mary Mathurin, President of the Las Olas Association, stated that she wanted to work with everyone to ensure that area neighborhoods were accommodated.

Action: Workshop to be scheduled. Staff to investigate low frequency radio station.

At 3:15 P.M., the meeting was recessed. It was reconvened in the Commission Chambers at 9:35 P.M.

II-B – Agenda for Joint Meeting with Broward County Board of County Commissioners

A report was presented on the proposed agenda for the joint meeting between the City Commission and the County Commission scheduled for May 15, 2001. Commissioner Smith wished to add mass transit to the agenda. It was agreed. The City Manager said that the agenda would be forward to the County, but there would only be about 1-1/2 hours for that meeting.

Action: Mass transit to be added to agenda.

III-B – Advisory Board Vacancies

1. Budget Advisory Board

Action: Deferred.

2. Charter Revision Board

The Commission wished to reappoint Mr. Ed Curtis, Ms. Debbie Orshefsky, Mr. Mike Lockwood, Mr. Roderick Kemp and Mr. James D. Camp Jr. to the Charter Revision Board.

Action: Formal action to be taken at Regular Meeting.

3. Community Appearance Board

Commissioner Moore wished to appoint Ms. Barbara Ericksen to the Community Appearance Board.

Action: Formal action to be taken at Regular Meeting.

4. Community Services Board

Action: Deferred.

5. Education Advisory Board

Action: Deferred.

6. Marine Advisory Board

Mayor Naugle wished to appoint Mr. Tom Gleason to the Marine Advisory Board

Action: Formal action to be taken at Regular Meeting.

7. Unsafe Structures & Housing Appeals Board

Action: Deferred.

IV – City Commission Reports

1. Budget Advisory Board – Input on Budget

Commissioner Katz wondered if the Budget Advisory Board could look over the budget before July. The City Manager stated that the Board usually received the budget in July at the same time as the Commission, and they had traditionally reviewed it in August. Mayor Naugle felt the City Commission should get the budget first. Commissioner Katz thought there should be a way for the Commission to obtain input early in the process because nothing could be done once the millage rate was set. Mayor Naugle pointed out that the millage rate could be reduced, but it could not be increased.

Mayor Naugle recalled a past budget that had been passed with 27 motions. There had been a goal-setting session, and the City Manager had presented a budget that had completely missed the Commission's expectations. So, the budget could be changed when it reached the Commission.

Mayor Naugle felt the budget presentation was directed to the Commission. Commissioner Katz understood that, but she wanted some method of obtaining input from the Board before anything final was done. Commissioner Smith did not think that would hurt. Commissioner Moore thought the Board could consider the budget information that was already available in order to make some recommendations about the direction the budget should take. Commissioner Katz understood the Board reviewed the budget in August, but public hearings took place in September. In the past, that was when the Commission first heard the Board's suggestions.

Mayor Naugle stated that the City Manager would provide revenue and expenditure projections in June, before the July budget presentation. He thought the Board could examine that information and the "wish list" and provide input before the public hearings. It was agreed.

The City Manager had some serious concerns about the implications of this action. He stated that one of his greatest responsibilities was recommending a budget to the governing board. While he welcomed input from the various boards and the community at large, he felt that input should come to the Commission after he had submitted his recommended budget. However, that was not to say that the Budget Advisory Board could not provide input throughout the process. The City Manager did not support the idea of an advisory body "picking apart" his recommended budget before the Commission had an opportunity to review it.

Mayor Naugle suggested the Board be provided with the June forecast along with the "wish list" developed by the Commission at its budget workshop, and comments could be provided to the Commission. The City Manager had no objection.

Action: As discussed.

2. After-the-Fact Permits - Contractors

Commissioner Hutchinson said she had recently met with some Croissant Park citizens, and there were some general contractors who started calling and mailing people when they were cited for work without permits requiring after-the-fact permits. Mayor Naugle had not realized contractors were doing that and, in fact, it was often difficult to find a contractor interested in those types of small jobs. He thought it was probably the same thing that lawyers did when they learned from police reports that someone got a ticket. Commissioner Hutchinson felt these contractors were intimidating people and suggesting they could lose their homes. Commissioner Smith asked that staff look into it.

Action: Staff to investigate.

3. Independent Counsel for Board of Adjustment

Commissioner Katz asked if it would be possible for the Board of Adjustment to have independent counsel when considering interpretation questions and if it would be advisable. The City Attorney replied it was possible, but he did not feel it was necessary. Commissioner Katz understood the Board was being asked to make some legal interpretations and did not feel they could do so and did not feel Mr. Dunckel was there in that capacity. The City Attorney was shocked to hear that and agreed to follow up.

Action: City Attorney to follow up.

V – City Manager Reports

1. Water Skiing

The City Manager noted that the Commission had recently adopted an ordinance opening certain areas to water skiing. As part of that, those areas had to be appropriately permitted and signs posted. He provided a memo update in that regard, but he felt there should be some means of assessing safety in those new areas. The City Manager stated that the Coast Guard, the DEP, and the State insofar as submerged lands and protected species were concerned would have to sign off on the permits. In an effort to ensure compliance with the Commission's wishes, he wanted to make sure everyone agreed there would have to be some across-the-board safety assessment in conjunction with all of the requirements of the agencies to determine if those areas could, in fact, be opened to water skiing.

Commissioner Moore was concerned that this was a political issue. The City Manager had learned that the City Commission might not have the exclusive authority to grant this permission in all cases, particularly with respect to species management. If a determination was made that there were protected species in a certain area, he did not believe the City could override the State as to the activities allowed. Commissioner Moore did not think this was "kosher." He thought that if the City did not have the authority, the State would already have said so. Commissioner Smith shared his concerns.

Commissioner Hutchinson stated that there were people water skiing in areas where they were not allowed at this time because there was no signage, such as Lake Sylvan and Lake Mayan. She felt those individuals should be cited, but the Marine Patrol was not much in the area because water skiing was not supposed to be occurring at this time. Commissioner Hutchinson understood the City Manager's concern because some of the areas in question had been closed to water skiing for many, many years.

Mayor Naugle thought staff should apply for the permits and see what happens. Commissioner Hutchinson agreed. The City Manager said that was his intention, but he wanted everyone to know that the State would be involved in the decision. Mayor Naugle noted that some "fine-tuning" might be necessary to address the conditions in the different areas, including the Middle River.

Mayor Naugle believed everyone had agreed to eliminate Coral Bay from the list of water ski areas. Commissioner Smith agreed the best water skier in the world could not ski in that location. Commissioner Katz thought there was room for skiing in Sunrise Bay.

Action: As discussed.

2. Budget Hearing Dates

The City Manager suggested that public hearings on the budget be scheduled for September 6 and 20, 2001. It was agreed.

Action: Budget hearings tentatively scheduled for September 6 and 20, 2001.

Meeting adjourned at 10:00 P.M.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.